

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 301
Case No. 79-12

October 11, 1979

Pursuant to notice, a public hearing of the Zoning Commission of the District of Columbia was held on September 10, 1979 to consider a change to the Supplemental Rules of Practice before the Board of Zoning Adjustment proposed by the Board. The Board and Commission also published a Notice of Proposed Rule-making in the D. C. Register on June 29, 1979.

The proposed change in the Supplemental Rules is to require notice of public hearings before the Board to be mailed to the owners of all property within 200 feet of the property involved in the application, and to any person having a lease with the owner for all or part of any building on the subject property. The Supplemental Rules previously required that notice be mailed to the occupants of improved property within 200 feet and the owners of abutting property. The proposed change was requested by the Board after the Court of Appeals had interpreted the previous Supplemental Rules to require mailed notice to every occupant of an office building or apartment house, which the Board believed to be impossible as a practical matter.

After review of the testimony at the hearing and the record of the case, the Commission concurs with the Board. There is no practical means available to secure the identity of all individual occupants of property over which the applicant has no control. The Commission therefore believes that it is appropriate to approve the changes proposed by the Board, to establish reasonable notice requirements which can be adequately applied and administered. It is therefore ordered that the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment, which were published in the D. C. Register on July 6, 1972 are hereby amended as follows:

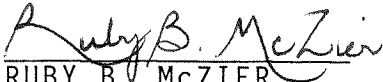
Section 3.322 is amended to read as follows:

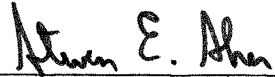
"3.322 By mailing the notice to the applicant and to the owners of all property within 200 feet of the property involved in the application."

Section 3.323 is amended to read as follows:

"3.323 By mailing the notice to each person having a lease with the owner for all or part of any building located on the property involved in the application."

BY OF ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION


RUBY B. McZIER
Chairperson


STEVEN E. SHER
Executive Director

The amendments to the Supplemental Rules were adopted by the Zoning Commission at its public meeting held on October 11, 1979 by a vote of 4-0 (Theodore F. Mariani, Walter B. Lewis, Ruby B. McZier and John G. Parsons to adopt, George M. White not present, not voting).

In accordance with Section 3.6 of the Rules of Practice before the Zoning Commission, the amendments to the Supplemental Rules are effective on October 19, 1979.